

REMARKS

The present amendment is in response to the Office Action dated August 2, 2006. Claims 1-6, 10, 11, and 13-28 are now present in this case. Claims 1, 10, 13, 14, 18, and 23 are amended. Claim 12 is canceled.

The applicants wish to express their appreciation to the Examiner for the telephone conference with the applicants' attorney on September 8, 2006. Distinctions between the claimed invention and the cited reference, U.S. Patent No. 5,999,532 to Terasaki were discussed in the conference. The applicants have amended the claims in accordance with suggestions by the Examiner to more clearly distinguish the claims over the cited reference.

Claims 1-6 and 10-28 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,999,532 to Terasaki. The applicants respectfully traverse this rejection and request reconsideration. Terasaki discloses an ATM concentration multiplexer circuit that provides more efficient data transfer over communication links. However, it should be noted that Terasaki does not ever query for availability of PVC and SVC connections at a server, but describes a system in which a PVC connection is required for signaling (see column 6, lines 50-54) while an SVC connection is used for data transfer. (See column 6, lines 59-63.) Thus, the system disclosed in Terasaki requires both a PVC connection and an SVC connection. This concept is described in greater detail with respect to Figures 4-5 of Terasaki. The call setup, acknowledgement, and release processes, which are control signaling, are performed using the PVC connection while the data transfer occurs via the SVC connection.

Terasaki does not teach or suggest querying regarding the availability of a PVC and SVC connection at a server, but simply assumes that both connections are available in order to perform the process in Terasaki, which requires both a PVC and an SVC connection. Thus, Terasaki does not teach or suggest the querying process recited in, by way of example, claim 1. Furthermore, Terasaki does not teach or suggest "connecting the client machine to the server machine using either the PVC connection or the SVC connection based on the response message," as recited in

claim 1. Accordingly, claim 1 is clearly allowable over Terasaki. Claims 2-6 are also allowable in view of the fact that they depend from claim 1, and further in view of the recitation in each of those claims.

Claim 10 is an apparatus claim in which a server machine responds to a connection request and includes “a virtual path identifier (VPI) where a virtual channel identifier (VCI) if a PVC connection is available at the server machine.” Claim 10 further recites means for storing the server information at the client machine, “the stored information including the VPI or VCI data if a PVC connection is available at the server machine.” Terasaki does not teach or suggest an apparatus for such querying and storage. Accordingly, claim 10 is allowable over Terasaki. Claims 11, and 13-17 are also allowable in view of the fact that they depend from claim 10, and further in view of the recitation in each of those claims.

Claim 23 recites *inter alia* forming a query message “and requesting data indicative of the availability of PVC and SVC connections at each of the plurality of server machines.” The method further recites receiving a response message from at least a portion of the server machines with the response message “including PVI or PCI data values if a PVC connection is available at the respective server machine.” As discussed above, Terasaki does not describe any querying process regarding the availability of PVC and SVC connections. The techniques described in Terasaki require both connection types and simply assumes that any server has both connection types available. Accordingly, claim 23 is clearly allowable over Terasaki. Claims 24-28 are also allowable in view of the fact that they depend from claim 23, and further in view of the recitation in each of those claims.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. The applicants have made a

good faith effort to place all claims in condition for allowance. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 628-7640.

Respectfully submitted,
Davis Wright Tremaine LLP

/Michael J. Donohue, Reg. #35859/

Michael J. Donohue

MJD:gatc

2600 Century Square
1501 Fourth Avenue
Seattle, Washington 98101-1688
Phone: (206) 622-3150
Fax: (206) 628-7699

1857150_1.DOC